

Applicant: P. Bonutti
Application No.: 10/007,360
Examiner: E. Robert

Election/Restriction:

If no generic claim is finally held to be allowable, Applicant hereby provisionally elects, with traverse, the following species with reference to the categories set forth in the Office Action: Species VI, representative Figures 9-10.

In accordance with the Examiner's request, Applicant respectfully submits that claims 1, 5-9, 11, 12, 16, 26, 27, 29, 46-51, 62-68, 74-78, 120-124, 126, 128-135, and 138 read on the elected species.

REMARKS

Claims 1, 5-9, 11, 12, 16, 26, 27, 29, 46-51, 62-68, 74-78, 120-126, 128-135, and 138 are pending in the application and are presented for the Examiner's review and consideration. Claims 1, 11, 26, 62, 120, 125, and 129 have been amended, claims 22, 28, 69, 79-84, 86, 87, 101-110, 112, 113, 116-119, and 127 have been withdrawn, and claims 10, 13, 14, 17, 30, 52-61, 70-73, 85, 92-100, 111, 114, 115, 136, and 137 have been cancelled. Applicant believes the claim amendments, withdrawals, and the accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Applicant submits the amended claims 1, 26, 62, 120, 125, and 129 and original claims 46 and 74 are generic for elected Species VI and non-elected Species VII and VIII. Accordingly, withdrawn claims 101-110, 112, 113, and 116-119 have been amended to depend from amended claim 1 and claims 81-84 and 86-87 have been amended to depend from claim 74.

Additionally, withdrawn claims 103, 116, and 124 have been amended to correct capitalization and spelling errors.

Applicant has provisionally elected Species VI, with traverse. Further, Applicant has provided a list of all claims readable thereon.

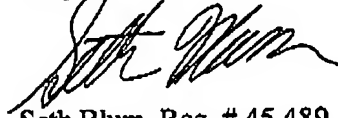
In light of the foregoing remarks, this application is now in condition for an examination on the merits, and early action is respectfully requested.

If any questions remain regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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Please charge any required fee (or credit any overpayments of fees) to the Deposit
Account of the undersigned, Account No. 500601 (Docket No. 780-A02-032-1).

Respectfully submitted,



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